7/21/03 ℓℓ

NEIFELD IP LAW, P.C.                                          Tel: 703-415-0012
2001 Jefferson Davis Highway                                 Fax: 703-415-0013
Suite 1001, Crystal Plaza 1                          Email: rneifeld@Neifeld.com
Arlington, VA 22202                                     Web: www.Neifeld.com

# FILING RECEIPT

RE:     Attorney Docket No.: CAT29-SCRO-CO3
        Application Serial No.: 09/567,274
        Filed: May 09, 2000
        Title:   SYSTEM AND METHOD FOR PROVIDING
                 SHOPPING AIDS AND INCENTIVES TO CUSTOMERS
                 THROUGH A COMPUTER NETWORK
        Inventor: MICHAEL C. SCROGGIE ET AL.
        Group Art Unit: 3622
        Examiner: RAQUEL ALVAREZ

APR 17 2003

**THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON
THE DATE STAMPED HEREON:**

TRANSMITTAL LETTER INCLUDING AUTHORIZATION TO CHARGE DEPOSIT
ACCOUNT (in duplicate)

37 CFR 1.192 SUBSTITUTE APPEAL BRIEF with appendices 1, 2, and 3 attached (in
triplicate)

Printed: April 17, 2003 (3:03pm)
Y:\Clients\Catalina\CAT29-SCRO\CAT29-SCRO-CO3\Drafts\FR_030415.wpd

# RECEIVED

JUN 2 1 2005

# GROUP 3600

Sub AB_CAT29ScROC03_030421 ℓℓ

DOCKET NO: CAT29-SCRO-CO3
PRIOR DOCKET NO.: 7791-0126-25X CONT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:                              :
MICHAEL C. SCROGGIE ET AL.
                                                   : GROUP: 3622

APPLICATION NUMBER: 09/567,274         : EXAMINER: RAQUEL ALVAREZ

FILED: May 09, 2000                                :

FOR:   SYSTEM AND METHOD FOR PROVIDING SHOPPING AIDS AND INCENTIVES
       TO CUSTOMERS THROUGH A COMPUTER NETWORK

## 37 CFR 1.192 SUBSTITUTE APPEAL BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:
        In response to the office action mailed April 9, 2003, and pursuant to 37 CFR 1.192(d),
the applicants submit this substitute appeal brief replacing the appeal brief filed January 28, 2003
in response to the non-final office action mailed November 6, 2002.

IV.     37 CFR 1.192(d) - Non-Compliant Brief

This brief is in compliance with 37 CFR 1.192(c). Accordingly, this subsection is inapplicable.

Respectfully Submitted,

|||||||||||||||||||||||||||

**31518**

PATENT TRADEMARK OFFICE

Date

Richard A. Neifeld
Registration No. 35,299
Attorney of Record

Printed date: April 17, 2003 (2:34pm)
Y:\Clients\Catalina\CAT29-SCRO\CAT29-SCRO-CO3\Drafts\SubstituteAppealBrief_03
0417.wpd

12

B.      **Appendix 2 - Claims as they would exist after entry of an amendment submitted January 28, 2003**

Claims 28-43 are under appeal.

28. A method for distributing purchasing incentives to retail consumers over a computer network, said method comprising the steps of:

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive based on said product purchase data;

transmitting said purchase incentive to said electronic mail address; and

wherein said step of generating said purchase incentive for said identification comprises generating said purchase incentive based upon frequency of prior use of purchase incentives generated for said identification.

29. A system for distributing purchasing incentives to retail consumers over a computer network, said system comprising:

a consumer purchase history database;

means for storing product purchase data pertaining to products purchased in association with an identification in said consumer purchase history database;

a consumer electronic address database;

means for storing an electronic mail address in association with said identification in said consumer electronic address database;

means for generating a purchase incentive based on said product purchase data;

means for transmitting said purchase incentive to said electronic mail address; and

wherein said means for generating said purchase incentive for said identification comprises means for generating said purchase incentive based upon frequency of prior use of purchase incentives generated for said identification.

30. A method for distributing purchasing incentives to retail consumers over a computer network, said method comprising the steps of:

20

**RECEIVED**

JUN 2 1 2005

**GROUP 3600**

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive based on said product purchase data;

transmitting said purchase incentive to said electronic mail address; and

wherein said step of generating said purchase incentive comprises generating said purchase incentive for said identification based upon a frequency of prior use of an online system with said identification.

31. A system for distributing purchasing incentives to retail consumers over a computer network, said system comprising:

a consumer purchase history database;

means for storing product purchase data pertaining to products purchased in association with an identification in said consumer purchase history database;

a consumer electronic address database;

means for storing an electronic mail address in association with said identification in said consumer electronic address database;

means for generating a purchase incentive based on said product purchase data;

means for transmitting said purchase incentive to said electronic mail address; and

wherein said means for generating said purchase incentive comprises means for generating said purchase incentive for said identification based upon a frequency of prior use of an online system with said identification.

32. A method for distributing purchasing incentives to retail consumers over a computer network, said method comprising the steps of:

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive based on said product purchase data depending upon

21

frequency of prior use of purchase incentives generated for said identification; and

transmitting said purchase incentive to said electronic mail address.

33. A system for distributing purchasing incentives to retail consumers over a computer network, said system comprising:

a consumer purchase history database;

means for storing product purchase data pertaining to products purchased in association with an identification in said consumer purchase history database;

a consumer electronic address database;

means for storing an electronic mail address in association with said identification in said consumer electronic address database;

means for generating a purchase incentive based on said product purchase data depending upon frequency of prior use of purchase incentives generated for said identification; and

means for transmitting said purchase incentive to said electronic mail address.

34. A method for distributing purchasing incentives to retail consumers over a computer network, said method comprising the steps of:

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive based on said product purchase data depending upon whether a signal containing said identification was received in a selected prior time period; and

transmitting said purchase incentive to said electronic mail address.

35. A system for distributing purchasing incentives to retail consumers over a computer network, said system comprising:

a consumer purchase history database;

means for storing product purchase data pertaining to products purchased in association with an identification in said consumer purchase history database;

a consumer electronic address database;

22

means for storing an electronic mail address in association with said identification in said consumer electronic address database;

means for generating a purchase incentive based on said product purchase data depending upon whether a signal containing said identification was received in a selected prior time period; and

means for transmitting said purchase incentive to said electronic mail address.

36. A method for distributing purchasing incentives to retail consumers over a computer network, said method comprising the steps of:

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive based on said product purchase data including whether said identification is associated with redemption of an online purchase incentive during a selected prior time period; and

transmitting said purchase incentive to said electronic mail address.

37. A system for distributing purchasing incentives to retail consumers over a computer network, said system comprising:

means for storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

means for storing an electronic mail address in association with said identification in a consumer electronic address database;

means for generating a purchase incentive based on said product purchase data including whether said identification is associated with redemption of an online purchase incentive during a selected prior time period; and

means for transmitting said purchase incentive to said electronic mail address.

38. A method for distributing purchasing incentives to consumers over a computer network, said method comprising:

storing product purchase data pertaining to products purchased in association with an

23

identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive in response to said identification being provided over said computer network, based at least in part upon frequency of selection of purchase incentives generated for said identification; and

transmitting said purchase incentive to said electronic mail address.

39. A system for distributing purchasing incentives to consumers over a computer network, said system comprising:

a consumer purchase history database;

means for storing product purchase data pertaining to products purchased in association with an identification in said consumer purchase history database;

a consumer electronic address database;

means for storing an electronic mail address in association with said identification in said consumer electronic address database;

means for generating a purchase incentive in response to said identification being provided over said computer network, based at least in part upon frequency of selection of purchase incentives generated for said identification; and

means for transmitting said purchase incentive to said electronic mail address.

40. A method for distributing purchasing incentives to consumers over a computer network, said method comprising:

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive in response to said identification being provided over said computer network, based at least in part upon frequency of redemption of online purchase incentives generated for said identification; and

transmitting said purchase incentive to said electronic mail address.

24

41. A system for distributing purchasing incentives to consumers over a computer network, said system comprising:

a consumer purchase history database;

means for storing product purchase data pertaining to products purchased in association with an identification in said consumer purchase history database;

a consumer electronic address database;

means for storing an electronic mail address in association with said identification in said consumer electronic address database;

means for generating a purchase incentive in response to said identification being provided over said computer network, based at least in part upon frequency of redemption of online purchase incentives generated for said identification; and

means for transmitting said purchase incentive to said electronic mail address.

42. A method for distributing purchasing incentives to consumers over a computer network, said method comprising:

storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

storing an electronic mail address in association with said identification in a consumer electronic address database;

generating a purchase incentive in response to said identification being provided over said computer network and based at least in part upon whether said identification is associated with selection of an online purchase incentive during a selected prior time period; and

transmitting said purchase incentive to said electronic mail address.

43. A system for distributing purchasing incentives to consumers over a computer network, said system comprising:

means for storing product purchase data pertaining to products purchased in association with an identification in a consumer purchase history database;

means for storing an electronic mail address in association with said identification in a consumer electronic address database;

means for generating a purchase incentive in response to said identification being

25

provided over said computer network and based at least in part upon whether said

identification is associated with selection of an online purchase incentive during a selected

prior time period; and

       means for transmitting said purchase incentive to said electronic mail address.


**Printed: April 17, 2003 (2:35pm)**
**Y:\Clients\Catalina\CAT29-SCRO\CAT29-SCRO-CO3\Drafts\SubstituteAppealBrief_03**
**0417.wpd**

26